


The Court scheduled a hearing on February 21, 2020 for these motions and five motions to strike the opinions and testimony of various experts.

After carefully reviewing the motions, and the corresponding responses and replies, the Court **DENIES** the first, second, fourth, and fifth motions because the non-movant has raised at least one genuine issue of material fact.

For the third motion (Finalrod's motion for partial summary judgment of no indefiniteness, no lack of written description, and no lack of enablement with respect to the '951 and '757 Patents), the Court **GRANTS-IN-PART** and **DENIES-IN-PART** that motion. More specifically, the Court **GRANTS** Finalrod's motion with respect to no indefiniteness because Defendants did not timely raise indefiniteness as an issue during claim construction, as the Court described in an earlier summary judgment motion. ECF No. 264 at 3 ("The Federal Circuit holds that an accused infringer waives any argument with respect to the construction of a claim term when they fail to raise that issue during the claim construction phase of a patent infringement action."). But the Court **DENIES** Finalrod's motion with respect to lack of enablement and written description because the non-movant has raised at least one genuine issue of material fact.

SIGNED this 18th day of February, 2020.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE